

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77285 of 2019

Arising Out of PS. Case No.-268 Year-2010 Thana- GANDHIMAIDAN District- Patna

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Om Narayan Tiwari, Son of Sri Raghubansh Narayan Tiwari, Resident of
Mohalla - Tahir Lane, Gardanibagh, P.S.- Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-12-2019 This application has been filed for quashing of criminal prosecution arising out of Gandhi Maidan P. S. Case No. 268 of 2010, Trial No. 534 of 2017, pending in the Court of Sri Satya Prakash Anand, learned Sub-Judge-IX-Cum-A.C.J.M., Patna.

The ground for quashing is that in this case even after framing of charge for the last five years, no any single witness has been examined and except he is identifier on sale deed, there is nothing against him.

On the other hand, learned APP has opposed this application on the ground that he has not moved against the order taking cognizance or framing of charge, rather for quashing of prosecution is delay, which is not a ground for quashing of criminal prosecution against the petitioner.



Having heard both sides, in view of the facts, as stated above, I find no merit in this application.

Accordingly, the application stands dismissed.

However, considering the submission that after framing of charge, no any single witness has been examined for fears, the learned trial court is directed to proceed with the trial and conduct it on regular basis, so that, the trial may concluded as early as possible.

(Vinod Kumar Sinha, J)

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